

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 281 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE K.R.VYAS

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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SHASHIKANT CHANDULAL

Versus

COMPETANT AUTHORITY

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Appearance:

MR MI HAVA for Petitioners

MR SA PANDYA AGP for Respondent No. 1

RULE SERVED for Respondent No. 2

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CORAM : MR.JUSTICE K.R.VYAS

Date of decision: 28/04/99

ORAL JUDGEMENT

The petitioners by way of this petition challenge the order dated 30.11.1988, Annexure-B passed by the Deputy Secretary, Revenue Department, ULC., Gandhinagar under section 34 of the Urban Land ( Ceiling & Regulations ) Act, 1976 ( hereinafter referred to as 'the said Act').

It may be stated that the Competent Authority and Additional Collector, ULC, vide order dated 29.3.1986 Annexure-A declared 1022.54 sq.mts. of the land as surplus land belonging to the petitioners under section 9 of the said Act. This Court on 16.1.1991 issued Rule and granted ad interim relief restraining the respondents from enforcing or implementing or proceeding further pursuant to the order dated 30.1.1988 and protected the possession of the petitioners bearing survey no. 88/3 paiki 855.19 sq.mts. of lands of village Bhatar.

During the course of the hearing, the learned advocate Mr. Hawa appearing for the petitioners produced the Ordinance issued by the Central Government, published in the Government Gazette to repeal the Urban Land (Ceiling & Regulation ) Act, 1976, except sections 11,12,13 and 14 and, certain exceptions, and the Resolution passed by the Gujarat Legislative Assembly adopting the Act No. 15 of 1999 passed by the Parliament. Having gone through the said Act, it is clear that the Urban Land (Ceiling & Regulations ) Act, 1976 is repealed by the Parliament, except the provisions of section 11,12,13 and 14. As far as the case on hand is concerned, the proceedings initiated against the petitioners are up to the stage under section 9, and consequently, no further proceedings thereafter is initiated under section 10 of taking possession of the land in question by virtue of the order of interim relief passed by this Court. Admittedly, the petitioners are in possession of the land in question. In view of this, under section 4 of the repealing Act, all the proceedings including the pending proceedings initiated against the petitioners, are abated. Under these facts and circumstances, order dated 30.11.1988 Annexure-B passed by the respondent no. 1 is become redundant.

In the result, the petition is accordingly disposed of by declaring the impugned order Annexure-B as void and as having been abated. Rule is made absolute accordingly, with no order as to costs.

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